



Monday,
November 22, 1999

Part LXIV

Surface Transportation Board

Semiannual Regulatory Agenda

Surface Transportation Board (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

STB Ex Parte No. 536 (Sub-No. 7)

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) Current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of requirements for agency rulemaking.

Among other things, the RFA requires that, during the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing

regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules which will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its October 1999 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions. The Unified Agenda of Federal Regulatory and Deregulatory Actions is coordinated by the Office of Management and Budget pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: August 20, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn and Commissioner Burkes.

Vernon A. Williams,
Secretary.

Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4700	Railroad Consolidation Procedures: Class Exemption for Transactions Subject to the Statutory Consolidation Provision, STB Ex Parte No. 282 (Sub-No. 15)	2140-AA03
4701	Safe Implementation of Board-Approved Transactions, STB Ex Parte No. 574	2140-AA50

Completed Actions

Sequence Number	Title	Regulation Identification Number
4702	Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings, STB Ex Parte No. 527 (Sub-No. 2)	2140-AA54

Surface Transportation Board (STB)

Long-Term Actions

4700. RAILROAD CONSOLIDATION PROCEDURES: CLASS EXEMPTION FOR TRANSACTIONS SUBJECT TO THE STATUTORY CONSOLIDATION PROVISION, STB EX PARTE NO. 282 (SUB-NO. 15)**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10321; 49 USC 10505; 49 USC 11341; 49 USC 11343 to 11346; 11 USC 1172; 45 USC 904; 45 USC 915; 5 USC 553; 5 USC 559**CFR Citation:** 49 CFR 1180**Legal Deadline:** None

Abstract: The Board is considering whether to expand the "nonconnecting carrier" class exemption to embrace all transactions subject to the statutory consolidation provision, except: (1) transactions involving the merger or control of at least two class I railroads; (2) transactions involving a reduction in the number of noncommonly controlled railroads serving any two points; (3) transactions involving a reduction from three to two in the number of noncommonly controlled railroads serving any interchange points.

Timetable:

Action	Date	FR Cite
NPRM	07/14/92	57 FR 31165
NPRM Comment Period End	08/30/92	
Internal Review of Comments	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Additional Information: Statutory references to title 49 of the United States Code are prior to their amendment by the ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803, which became effective on January 1, 1996.

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RIN: 2140-AA03**4701. SAFE IMPLEMENTATION OF BOARD-APPROVED TRANSACTIONS, STB EX PARTE NO. 574****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 5 USC 559; 49 USC 721; 49 USC 10901; 49 USC 10902; 49 USC 11323; 49 USC 11324; 49 USC 11325; 42 USC 4332**CFR Citation:** 49 CFR 244; 49 CFR 1106**Legal Deadline:** None

Abstract: The Surface Transportation Board and the Federal Railroad Administration (FRA) have proposed complementary regulations establishing procedures for the development and

implementation of safety integration plans (SIPs) by railroads proposing to engage in certain merger, consolidation, or acquisition of control transactions with another railroad. Under the proposed rules, railroads seeking to consummate a Board-covered transaction would be required to file a written document with the FRA and the Board explaining how each step in implementing a contemplated transaction would be performed safely.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/97	62 FR 64193
ANPRM Comment Period End	02/19/98	
NPRM	12/31/98	63 FR 72225
NPRM Comment Period End	03/01/99	
Internal Review of Comments	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 2140-AA50

Surface Transportation Board (STB)

Completed Actions

4702. • EXPEDITED PROCEDURES FOR PROCESSING RAIL RATE REASONABLENESS, EXEMPTION AND REVOCATION PROCEEDINGS, STB EX PARTE NO. 527 (SUB-NO. 2)**Priority:** Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 10502; 49 USC 10704**CFR Citation:** 49 CFR 1121**Legal Deadline:** None

Abstract: The Board has clarified the procedures under 49 CFR Part 1121 regarding when additional information or public comments will be sought in exemption proceedings.

Timetable:

Action	Date	FR Cite
NPRM	06/25/99	64 FR 34185
NPRM Comment Period End	07/26/99	
Final Action	08/26/99	64 FR 46594
Final Action Effective	09/25/99	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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